Public Laws: Senate / Bills / 110th Congress / 2nd Session / 2008

110TH CONGRESS
2D SESSION

S. 2785

To amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2008

Ms. STABENOW introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Save Medicare Act of 2008".

SEC. 2. INCREASE IN MEDICARE PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)), as amended by section 101 of the Medicare,

Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in paragraph (8)—

(A) in the heading, by striking "A PORTION OF";

(B) in subparagraph (A)—

(i) by striking "(A) IN GENERAL.—Subject to" and inserting "Notwithstanding"; and

(ii) by striking "for the period beginning on January 1, 2008, and ending on June 30, 2008,";

(C) by striking subparagraph (B); and

(2) by adding at the end the following new paragraph:

"(9) UPDATE FOR 2009.—In lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2009, the update to the single conversion factor shall be 1.8 percent.".

SEC. 3. EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) SYSTEM.—Section 1848(k)(2)(B) of the Social Security Act (42 U.S.C. 1395w–4(k)(2)(B)), as amended

by section 101 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in the heading, by striking "AND 2009" and inserting ", 2009, AND 2010";

(2) in clause (i), by striking "and 2009" and inserting ", 2009, and 2010"; and

(3) in each of clauses (ii) and (iii)—

(A) by striking "and 2008" and inserting ", 2008, and 2009"; and

(B) by striking "or 2009" and inserting ", 2009, or 2010".

(b) REPORTING.—Section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), as amended by section 101 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in the heading, by striking "AND 2008" and inserting ", 2008, AND 2009"; and

(2) in paragraph (6)(C)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) for 2009, all of 2009.".

SEC. 4. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)), as amended by section 102 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in paragraph (1), by striking "July 1, 2008" and inserting "January 1, 2010"; and

(2) in subparagraph (4)(D), by striking "July 1, 2008" and inserting "January 1, 2010".

SEC. 5. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1), as amended by section 103 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking "subparagraphs (B)" through "the Secretary" and inserting "the succeeding provisions of this paragraph, the Secretary"; and

(2) in subparagraph (E), by striking "July 1, 2008" and inserting "January 1, 2010".

SEC. 6. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by section 116 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking "July 1, 2008" and inserting "January 1, 2010".

SEC. 7. SENSE OF THE SENATE REGARDING FISCAL RESPONSIBILITY.

It is the sense of the Senate that—

(1) the provisions of, and amendments made by, this Act should be deficit neutral over the 5-year period beginning on October 1, 2008; and

(2) Congress should address the challenges facing the Medicare program in a fiscally responsible manner.

SEC. 8. SENSE OF THE SENATE REGARDING QUALITY.

It is the Sense of the Senate that—

(1) the Medicare program should provide payments to physicians and other health professionals that serve as positive incentives for participation in voluntary initiatives to improve health care quality;

(2) such initiatives should include pay-for-reporting programs, programs to facilitate coordination of care, the use of clinical appropriateness cri-

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1 teria developed by organizations representing physi-
2 cians and other health care professionals, grants for
3 developing and pilot testing data registry systems,
4 grants for participation in such data registries, and
5 other appropriate initiatives; and
6 (3) financing for such initiatives should be non-
7 punitive and exempt from the Medicare physician fee
8 schedule budget neutrality requirements.

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